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MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			SHERMAN, STEPHEN G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/659,109	HENRIKSSON, MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen G. Sherman	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 September 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-42 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 3/11/05 / 5/12/05

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. Claim 5 recites the limitation "the MMS message." The examiner interprets that the MSS message, from which the text and an image are being taken, is different than the stated MMS message being generated in the claim, and is instead in reference to a previously stated MMS message which is not present in the preceding claims. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 8, 10, 13, 15-18, 20, 22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells (US 2004/0029636).

***Regarding claim 1***, Wells discloses a method for providing text and/or visual data to a display system (Paragraph [0049]), comprising:

presenting text and/or visual data on a first display (Figure 1A, item 18a and paragraph [0049]); and

presenting text and/or visual data substantially concurrently on a second display underlying the first display (Figure 1A, item 18b and paragraph [0049]),

such that the second display is a further distance away from an eye of a user than the first display, and wherein, in operation, a user is able to view data on the first and/or second display (In Figure 1A it can be seen that display 18b is a further distance away from the eye of a user than display 18a.).

***Regarding claim 3***, Wells discloses a method according to Claim 1, wherein the data on the first display comprises textual data, and wherein the data on the second display comprises visual data (Paragraph [0064]. The table located after paragraph [0064] on page 6 shows examples of combinations that can be made on the two displays, one such combination being that one of the screens displays text while the other displays an image.).

***Regarding claim 4***, Wells discloses a method according to Claim 3, wherein the visual data comprises an image (Paragraph [0064]).

***Regarding claim 8***, Wells discloses a method according to Claim 1, further comprising illuminating pixels on the first display in a manner that allows the user to view through the illuminated pixels to the second display (Paragraphs [0068]-[0069]. The examiner interprets that if the display is transparent that one would be able to see through the illuminated pixels to the second display screen.).

***Regarding claim 10***, Wells discloses a method according to Claim 1, wherein the steps of presenting visual and/or text data on the first and second displays comprises presenting text on the first display while presenting an image related to the text on the second display (Paragraph [0064]. The table located after paragraph [0064] on page 6 shows examples of combinations that can be made on the two displays, one such combination being that one of the screens displays text while the other displays an image which is related to the text.).

***Regarding claim 13***, Wells discloses a method according to Claim 1, wherein the second display provides visual and textual data and the first display is adapted to selectively present a subset of the data provided by the second display (Paragraph [0064]. The table located after paragraph [0064] on page 6 shows examples of combinations that can be made on the two displays, one such combination being that one of the screens displays a subset of the other display screen, such as the combination of the 1<sup>st</sup> part of the primary game and the 2<sup>nd</sup> part of the primary game.).

***Regarding claim 15***, a dual layered display assembly (Figure 1A), comprising:

a first display (Figure 1, item 18a); and

a second display positioned adjacent to and under the first display (Figure 1A, item 18b).

***Regarding claim 16***, Wells discloses an assembly according to Claim 15, wherein, in operation, the first display is configured to provide text and/or visual data using pixels with sufficient optical transmissivity and/or transparency to allow a user to optically view through the first display to text and/or visual data on the underlying second display (Paragraphs [0068]-[0069]. The examiner interprets that if the display is transparent that one would be able to see through it to the second display screen.).

***Regarding claim 17***, Wells discloses an assembly according to Claim 15, wherein the first display is configured as a substantially transparent display and the second display is configured as a color graphic display (Paragraphs [0068]-[0069]. The examiner interprets that if the display screens are transparent and color, that the first display would be transparent and that the second display would display graphics in color.).

***Regarding claim 18***, Wells discloses an assembly according to Claim 15, wherein the first and second displays are aligned and positioned so that the first and second displays are substantially coextensive with each other (Figure 1A, items 18a

and 18b. The two display screens can be seen to be positioned so that they are substantially coextensive.).

***Regarding claim 20***, Wells discloses an assembly according to Claim 15, wherein the first and second displays are aligned so that the user can view data on both of the displays at the same time (Figure 1A and paragraph [0049]).

***Regarding claim 22***, Wells discloses an assembly according to Claim 15, wherein, in operation, the first display is configured to illuminate pixels in a manner that allows the user to view through the illuminated pixels to access data on the second display (Paragraphs [0068]-[0069]. The examiner interprets that if the display is transparent that one would be able to see through the illuminated pixels to the second display screen.).

***Regarding claim 26***, Wells discloses an assembly according to Claim 15, further comprising:

a terminal housing holding the first and second displays (Figure 1A, item 12); and terminal circuit components in the housing to provide a computer terminal (Figure 1 and 8B and Paragraph [0049]. The examiner interprets that since it is stated that the device is under control of the processor 132, that this would be a circuit component in the housing to provide the computer terminal.).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2, 7, 19, 21, 27-31 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2004/0029636) in view of Ericsson (US 6,130,665).

***Regarding claim 2***, Wells discloses a method according to Claim 1, wherein the first and second displays are aligned so that the user can view data on both of the displays at the same time (Figure 1A ).

Wells fails to teach wherein the user can focus on one of the displays by optically altering his/her focus to a focal length corresponding to the desired display.

Ericsson discloses a method wherein the user can focus on one of the displays by optically altering his/her focus to a focal length corresponding to the desired display (Figure 4 and column 3, lines 56-67).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method to display the information on the aligned displays as taught by Ericsson with the method taught by Wells in order to see and clearly distinguish between the information presented on the two different display screens.

***Regarding claim 7***, Wells discloses a method according to Claim 1.

Wells fails to teach of a method further comprising configuring the first and second displays to interactively communicate in response to actions by the user.

Ericsson discloses a method comprising configuring the first and second displays to interactively communicate in response to actions by the user (Figure 4 and column 3, lines 56-67. The examiner interprets that since the overlay is that of the keyboard and the other display is that of the entered information, that the two display levels must communicate with each other in response to input by the user.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method to have the first and second displays interact with each other as taught by Ericsson with the method taught by Wells in order to allow for the user to view a keyboard for user input at the same time as viewing the display of the textual information.

***Regarding claim 19***, this claim is rejected under the same rationale as claim 2

***Regarding claim 21***, this claim is rejected under the same rationale as claim 7

***Regarding claim 27***, please refer to the rejection of claim 26.

Wells fails to teach wherein the terminal is portable.

Ericsson discloses a multiple display device that is portable (Figure 1 and column 2, lines 29-42).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to make the multiple display screen assembly taught by Wells portable as taught by Ericsson in order to create a small portable device that can simultaneously present large amounts of information and allow quick and easy entering of information using a touch sensitive display.

***Regarding claim 28***, please refer to the rejection on claim 26.

Wells fails to teach wherein the terminal is wireless.

Ericsson discloses a multiple display device that is portable (Figure 1 and column 2, lines 29-42).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to make the multiple display screen assembly taught by Wells portable as taught by Ericsson in order to create a small portable device that can

simultaneously present large amounts of information and allow quick and easy entering of information using a touch sensitive display.

***Regarding claim 29***, Wells discloses a terminal, comprising:

- (a) a housing (Figure 1, item 12)
- (b) a first display (Figure 1, item 18a) held in the housing so that a corresponding first viewing surface is externally viewable (Figure 1, item 18a is inside housing 12 and is externally viewable as shown.); and
- (c) a second display (Figure 1, item 18a) held in the housing beneath the first display so that a corresponding second viewing surface is externally viewable (Figure 1, item 18b is inside housing 12 , beneath item 18a and is externally viewable as shown.), wherein the terminal is configured to concurrently present data on the first and second displays (Paragraph [0051]).

Wells fails to teach of a wireless terminal comprising a housing configured to enclose a transceiver that transmits and receives wireless communications signals, wherein the first and second displays are in communications with the transceiver.

Ericsson discloses of a wireless terminal (Figure 1, item 10) comprising a housing configured to enclose a transceiver (Figure 2, item 62) that transmits and receives wireless communications signals, wherein the display is in communications with the transceiver (Figure 2. As shown in Figure 2, the transceiver 62 is in communications with the graphic display 30 through microprocessor 40 and bus 48.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to make the multiple display screen assembly taught by Wells portable as taught by Ericsson in order to create a small portable device that can simultaneously present large amounts of information and allow quick and easy entering of information using a touch sensitive display.

***Regarding claim 30***, this claim is rejected under the same rationale as claim 2.

***Regarding claim 31***, this claim is rejected under the same rationale as claim 7.

***Regarding claim 34***, this claim is rejected under the same rationale as claim 16.

***Regarding claim 35***, this claim is rejected under the same rationale as claim 17.

***Regarding claim 36***, this claim is rejected under the same rationale as claim 18.

6. Claims 5-6 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2004/0029636) in view of Ericsson (US 6,130,665) and further in view of Solonen (US 2005/0195927).

***Regarding claim 5***, Wells discloses a method according to Claim 4.

Wells fails to teach of a method comprising generating a message with text.

Ericsson discloses a method comprising generating a message with text (Figure 1 and column 2, lines 29-42).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to use the method of generating a message with a portable device as taught by Ericsson with the multiple display screen method taught by Wells such that the text and visual data on the portable device would be located on two separate screens in order to create a small portable device that can simultaneously present large amounts of information and allow quick and easy entering of information using a touch sensitive display.

Wells and Ericsson fail to teach of a method comprising generating a MMS message.

Solonen discloses a method comprising generating a MMS method (Paragraph [0030]).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to make the message taught by the combination of Wells and Ericsson a MMS message as taught by Solonen since a MMS message would allow for the visual data to be transferred along with the text data.

***Regarding claim 6***, Wells discloses a method according to Claim 1.

receiving an MMS message having text and visual data and parsing the text data to present on the first display and the visual data to present on the second display.

Wells fails to teach of a method comprising receiving a message with text.

Ericsson discloses a method comprising receiving a message with text (Figure 1 and column 2, lines 29-42. The examiner interprets that since the device is portable and contains a telephone handset 20 and an antenna 64 that it is capable to receive a text message as it is well known in the art that portable devices with telephone capabilities can receive such messages.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the method of receiving a message with a portable device as taught by Ericsson with the multiple display screen method taught by Wells such that the text and visual data on the portable device would be located on two separate screens in order to create a small portable device that can simultaneously present large amounts of information and allow quick and easy entering of information using a touch sensitive display.

Wells and Ericsson fail to teach of a method comprising receiving a MMS message having text and visual data and parsing the text data to present on the first display and the visual data to present on the second display.

Solonen discloses a method comprising receiving a MMS message having text and visual data and dividing the text data and the visual data to present on a display (Paragraph [0030]).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the image splitting method of a MMS message with the method taught by the combination of Wells and Ericsson such that the text data and visual data would be located on different display screens in order to provide a more

advanced pattern which is simple, uses little memory, and is easily transferred between terminals even with limited capacity.

***Regarding claim 32***, this claim is rejected under the same rationale as claim 6.

***Regarding claim 33***, this claim is rejected under the same rationale as claim 6.

7. Claims 9, 12 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2004/0029636) in view of Yamaguchi et al. (US 6,275,932).

***Regarding claim 9***, Wells discloses a method according to Claim 1.

Wells fails to teach a method wherein the first display is configured to operate in a screensaver mode during periods of non-active use.

Yamaguchi et al. discloses a method wherein a display is configured to operate in a screensaver mode during periods of non-active use (Column 11, lines 6-12. The examiner interprets that since the user would start the screensaver when they intend to not be using the device.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the screensaver mode taught by Yamaguchi et al. with the method taught by Wells in order to lock and protect the device from unauthorized users.

***Regarding claim 12***, Wells discloses a method according to Claim 1.

Wells fails to teach a method further comprising electrically locking access to the device by providing a password restricted access entry region on the first display and optically blocking the remainder of the first display while the second display carries text and visual data thereon to inhibit unauthorized use of the device.

Yamaguchi et al. discloses a method further comprising electrically locking access to the device by providing a password restricted access entry region on a display and optically blocking the remainder of a display (Column 11, lines 6-12. The examiner interprets that if the display device is password protected and blocked that viable access to information would also be blocked as is commonly done by screensavers with password protection.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the screensaver mode taught by Yamaguchi et al. with the two display screen method taught by Wells such that the first display would contain the screensaver in order to also block the information on the second display in order to lock and protect the device from unauthorized users.

***Regarding claim 23***, this claim is rejected under the same rationale as claim 9

***Regarding claim 24***, this claim is rejected under the same rationale as claim 12

***Regarding claim 25***, this claim is rejected under the same rationale as claim 12

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2004/0029636) in view of Ellenby et al. (US 6,396,475).

***Regarding claim 11***, Wells discloses a method according to Claim 10.

Wells fails to teach wherein the text comprises map directions of a geographic location of interest and the image comprises a map corresponding to the location of interest.

Ellenby et al. disclose of text comprising directions of a geographic location of interest and an image comprising a map corresponding to the location of interest (Figure 1, item 4 is the text and item 2 is the image.).

Therefore it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the display screen method taught by Wells to display the map and directions as taught by Ellenby et al. in order to present the text and image of the directions on separate display screens such that both can be viewed simultaneously.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2004/0029636) in view of Huffman et al. (US 5,661,635).

***Regarding claim 14***, Wells discloses a method according to Claim 3.

Wells fails to teach a method wherein the textual data provided by the first display comprises data from a digital book or article, and wherein the visual data provided by the second display is video clips, images and/or pictures from the digital book or article.

Huffman et al. disclose a method wherein the textual data comprises data from a digital book or article, and wherein the visual data provided is video clips, images and/or pictures from the digital book or article (Column 5, lines 34-47. The examiner interprets that the graphical data could be video clips, images or pictures.).

Therefore it would have been obvious to "one of ordinary skill" in the art to use the display screen method as taught by Wells with the digital book method taught by Huffman et al. in order to provide a way to view the images and text of the digital book at the same time.

10. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2004/0029636) in view of Ericsson (US 6,130,665) and further in view of Yamaguchi et al. (US 6,275,932).

***Regarding claim 37***, this claim is rejected under the same rationale as claim 9.

***Regarding claim 38***, this claim is rejected under the same rationale as claim 12.

***Regarding claim 39***, this claim is rejected under the same rationale as claim 12.

11. Claims 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Solonen (US 2005/0195927) in view of Wells (US 2004/0029636).

***Regarding claim 40***, Solonen discloses a computer program product for selectively displaying text or visual data, the computer program product comprising a computer usable storage medium having computer-readable program code embodied in the medium (Paragraphs [0028]-[0030]), the computer-readable program code comprising:

computer readable program code that is configured to receive a wireless communication signal in a wireless terminal (Paragraph [0029]);

computer readable program code that is configured to direct a display to display text and/or visual data associated with the received wireless communication signal (Figure 2 and Paragraph [0030]); and

computer readable program code that is configured to concurrently direct a display to display other text and/or visual data associated with the received wireless communication signal (Figure 2 and Paragraph [0030]).

Solonen fails to teach of splitting the text and visual data onto two separate display screens, one being located above the other.

Wells discloses of having the text and visual data separated onto two different display screens, one being located above the other (Figure 1, display 18a is separate from display 18b, where 18a is located above display 18b; paragraph [0049].).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to use the separate display screens taught by Wells with the computer program product taught by Solonen in order to provide a device which includes one display device which enables a person to simultaneously view different images on different screens by looking at and through only one display screen.

***Regarding claim 41***, this claim is rejected under the same rationale as claim 17.

12. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solonen (US 2005/0195927) in view of Wells (US 2004/0029636) and further in view of Ericsson (US 6,130,665).

***Regarding claim 42***, this claim is rejected under the same rationale as claim 7.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sipila (US 6,556,586) discloses a messaging system for communicating between two different communication units.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SS

10 January 2006



PATRICK N. EDOUARD  
SUPERVISORY PATENT EXAMINER